Application Number	Application/Control No. 08/876,775		Applicant(s)/Patent under Reexamination DIXON, ROBERT C.	
Document Code - DISQ		Internal	Document – [OO NOT MAIL

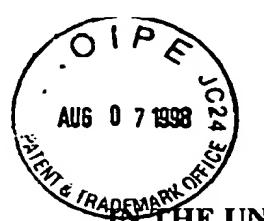
TERMINAL DISCLAIMER		DISAPPROVED
Date Filed : August 7, 1998	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:	•	
Henry D. Jefferson		
	•	

U.S. Patent and Trademark Office

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:			01-Feb-08	APPL. S. N:	08876775	
To Exan	niner:		BANKS-HAROLD, MAR:	Art Unit	2617	
From			Jefferson, Henry PARALEGAL SPCECIALIST	Return This Memo To: Case Drop-Off Location	JEF-2D68	
SUBJEC	CT: Decisi	on on Termi	nal Disclaimer(T.D.) filed:			
form pa or have	ragraphs any ques	identified by tions, please	this informal memo in your nex e see me or the Special Program	results as set forth below. If you a it Office action to notify applicant o Examiner. THIS IS AN INFORMAL, OF RECORD IN THE APPLICATION F	f the T.D. If you disagree INTERNAL MEMO ONLY.	
please i	nitial, dat	e and return	this memo to me. THANK YOU.			
V	The T.D	. is PROPER	and has been recorded (see 14.	23).		
	The T.D	. is NOT PRO	OPER and has not been accepted	for the reason(s) checked below (see 14.24):	
		The TD fee	e of has not been submeposit account	itted nor is there any authorization	in the application file for the	
		his/her int	<u>-</u>	the person who has signed the T.D nterest of the business entity repre 26.01).		
			T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statuto ole patenting rejection, Rule 321(b) (see 14.27.01).			
	<u> </u>	The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).				
		The person who signed the T.D.:				
		[] is	s not an attorney "of record" (see	e 14.29 and 14.29.01).		
		<u> </u>	as failed to state his/her capacit	y to sign for the business entity (se	ee 14.28).	
		is is	s not recognized as an officer of	the assignee (see 14.29 & possible	14.29.02).	
		nor is the (see 37 Cf	reel and frame number specified R 3.73(b) and 1140 O.G. 72). N	e from the original inventor(s) to a as to where such evidence is reco OTE: This documentary evidence o in a separate paper of record in th	rded in the Office or the specifying of the reel and	
	_	The T.D. is	not signed (see 14.26 & 14.26.	03).	;	
			number of the application (or the rejection is missing or incorrect (e number of the patent) which form (see 14.32).	ns the basis for the double	
			number of this application (or the is missing or incorrect (see 14.2)	e number of the patent in reexam 26, 14.27.02 or 14.26.05).	or reissue cases being	
		The period	disclaimed is incorrect or not sp	ecified (see 14.26, 14.27.02 or 14	.26.03).	
		Other:				
			n to request refund (see 14.36). check this item.	NOTE: If already authorized, credi	t refund to deposit account	
I have a	appropriat	ely notified	applicant(s) of the status of the	Terminal Disclaimer filed in this cas	se.	
Ex.Initia	als:		Pate:		Log Date:	



THE UNITED STATES PATENT AND TRADEMARK OFFICE

TERMINAL DISCI	LAIMER (CFR § 1.321(b)) RECEIVED R		
For: THREE CELL WIRELESS COMMUNICATION SYSTEM) -) 		
Filed: June 16, 1997	 Via Facsimile: 1-703-305-9508 Via: United States Postal Service 		
Serial No.: 08/876,775) Examiner: M. Banks Harold)		
In re the Application of: Robert C. Dixon) Group Art Unit: 2733		

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

Omnipoint Corporation is the owner of all rights, title and interest in and to the above-identified application pursuant to an assignment assigned to Omnipoint Data Company, Inc., filed with the Patent and Trademark Office and recorded at Reel 5747, Frame 0080 for U.S. Serial No. 07/682,050, filed on April 8, 1991, attached hereto as Exhibit A. The present application is a continuation of U.S. Serial No. 08/410,901, filed March 27, 1995, which is a continuation of U.S. Serial No. 07/682,050.

On February 6, 1992, Omnipoint Data Company, Inc. filed a Certificate of Amendment with the Secretary of State of Delaware changing its corporate title to Omnipoint Corporation. A copy of the Certificate of Amendment is attached hereto as Exhibit B.

Applicant filed a Change of Name and Address with the Patent and Trademark Office on August 15, 1996 and recorded at Reel 8095, Frame 0429 for U.S. Serial No. 08/410,901. A copy of the Notice of Recordation and Assignment Document, a copy of the Recordation Form Cover Sheet,

08/11/1998

SJ-5589.1

and a copy of the Change of Name and Address in Recorded Assignment are attached hereto as Exhibit C. As previously noted, the present application is a continuation of U.S. Serial No. 08/410,901.

The evidentiary documents have been reviewed, and, as of the signing of this Terminal Disclaimer, to the best of assignee's and the undersigned's knowledge and belief, Omnipoint Corporation still is the owner of all such rights, title and interest. Assignee Omnipoint Corporation, hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of United States Patent No. 5,402,413, and hereby agrees that any patent so granted on this application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 5,402,413, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and/or assignes.

In making the above disclaimer, Omnipoint Corporation does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Patent 226/132

I, James W. Geriak of the law firm of Lyon & Lyon_{LLP}, represent that I am an attorney of

record for the above-identified patent application and am authorized to make this disclaimer on

behalf of Omnipoint Corporation.

I hereby declare that all statements made herein of my own knowledge are true, and that all

statements made on information and belief are believed to be true, and further, that these statements

are made with knowledge that willful false statements, and the like so made, are punishable by fine

or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such

willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Attached is a check in the sum of \$110.00 to cover the fee for filing this Terminal

Disclaimer. If any additional fee is required, the Commissioner is hereby authorized to charge to

Deposit Account No. 12-2475. A duplicate of this disclaimer is attached.

LYON & LYON LLP

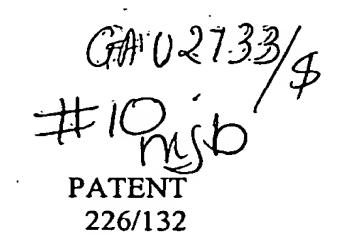
Dated: August 3, 1998

James W. Geriak Reg. No. 20,233

633 West Fifth Street, Suite 4700 Los Angeles, California 90071-2066 (408) 993-1555

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OE HILL			
In re the Application of: Robert. C. Dixon) Group Art Unit: 2733)		
Serial No.: 08/876,775) Examiner: M. Banks Harold)		
Filed: June 16, 1997	CENTIFICATE		
For: THREE CELL WIRELESS COMMUNICATION SYSTEM	JAN - 5 1998 (30)		
10+ ND: 5850600	FILE CONTRACTOR CONTRACTOR		
TERMINAL DISCLAIN	MER TRANSMITTAL		
Assistant Commissioner for Patents Washington, D.C. 20231	MER TRANSMITTAL E E		
Sir:			
Transmitted herewith is a Terminal Discla	imer for the above-identified application.		
A duplicate copy of this transmittal is encl	losed.		
	Respectfully submitted, LYON & LYON LLP		
Dated: August 4,1998 By:	Lynn Y-McKernan Reg. No. P41,986		
633 West Fifth Street	•		
Suite 4700 Los Angeles, California 90071-2066 (408) 993-1555			
CERTIFICATE OF FACS	IMILE AND MAILING		

CERTIFICATE OF FACSIMILE AND MAILING (37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being sent by facsimile to 1-703-305-9508, and, further, is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

	Rita Hernandez
	Name of Person Mailing Paper
August 4, 1998	The Herranda
Date of Deposit	Signature of Person Mailing Paper